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DATE MAILED: 05/14/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/810,501	03/19/2001	Prem S. Paul	201503US55XD	1105
7:	590 05/14/2003			
Sharon E. Crane, Ph.D. BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404			EXAMINER	
			WORTMAN, DONNA C	
Alexandria, VA 22313-1404			ART UNIT	PAPER NUMBER
			1648	22

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Canaminer Donas C. Wortman, Ph.D. 1448		Application No.	Applicant(s)				
Examiner Dona C. Wortman, Ph.D. Art Unit Dona C. Wortman, Ph.D. Primary Examiner At Unit. 1448 Dona C. Wortman, Ph.D. Primary Examiner At Unit. 1448 Dona C. Wortman, Ph.D. Primary Examiner At Unit. 1448 Dona C. Wortman, Ph.D. Primary Examiner At Unit. 1448 Dona C. Wortman, Ph.D. Primary Examiner At Unit. 1448 Dona C. Wortman, Ph.D. Primary Examiner At Unit. 1448	Advisory Action	09/810,501	PAUL ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — THE REPLY FILED 18 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a inal rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in ondition for allowance; (2) a timely filed Notice of Appeal (with appeal feet) or (3) a timely filed Request for Continued examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY (check either a) or b) The period for reply expires 3 months from the mailing date of the final rejection. PERIOD FOR REPLY (check either a) or b) The period for reply expires 3 months from the mailing date of the final rejection. PERIOD FOR REPLY (check either a) or b) The period for reply expires 3 months from the mailing date of the final rejection. PERIOD FOR REPLY (check either a) or b) The period for reply expires 3 months from the mailing date of the final rejection. PERIOD FOR REPLY (check either a) or b) The period for reply expires 3 months from the mailing date of the final rejection. PERIOD FOR REPLY (check either a) or b) The period for reply expires 3 months from the mailing date of the final rejection. PERIOD FOR REPLY (check either a) or b) The period for reply expires 3 months from the mailing date of the final rejection. The final rejection of the period of appeal and final rejection of the final rejecti	,	Examiner	Art Unit				
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a) The period for reply expires 3_months from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no evert, however, will be studitory period for reply expires on: (1) the mailing date of the final rejection, no evert, however, will be studitory period for reply expires the mail SM ADVINES from the mailing date of the final rejection. The period for reply expires of the studies of t	Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a inal rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued						
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no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL RELECTION. See MPEP 706.07(1). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension see have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension is not as the first of the search of the shorthest datatory pand for reply originally set in the final Officia action; or as early of the proposed date of the final rejection, even if mely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. The proposed amendment(s) will not be entered because: (a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) they raise the issue of new matter (see Note below); (c) they raise the issue of new matter (see Note below); (d) they raise the issue of new matter (see Note below); (d) they raise the issue of new matter (see Note below); (e)							
1.	no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension see have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension see under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or						
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Patent and Trademark Office			Primary Examiner				

Application/Control Number: 09/810,501

Art Unit: 1648

The information disclosure statement filed 18 April 2003 fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered.

The proposed amendment after final dated 18 April 2003, does not represent a complete reply because, as previously noted (page 5, Paper No. 19, mailed 24 January 2003), this application contains claims 1-29 and 32-38 drawn to an invention nonelected with traverse in Paper No. 14. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

The proposed amendment after final will not be entered because it raises at least new matter issues under 35 USC 112, first paragraph, because the proposed claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Although Applicant has pointed out various portions of the specification that Applicant asserts provide support for the proposed amendment and the proposed new claims, it is not apparent that, when taken in context, Applicant had possession of pairs of primers that hybridize with genomic polynucleic acids from deposited lowa virus strains but not with Lelystad virus, and/or additional pairs of primers that hybridize equally well with Applicant's lowa virus strains and Lelystad virus. Further, proposed new claims 39 and 40 raise new issues since no claims to a kit comprising a pair of primers that hybridize equally well with

Art Unit: 1648

Applicant's lowa virus strains and Lelystad virus were presented before final rejection; such claims would require new consideration and/or search of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donna C. Wortman, Ph.D. whose telephone number is 703-308-1032. The examiner can normally be reached on Monday-Thursday, 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel can be reached on 703-308-4027. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Donna C. Wortman, Ph.D.

Primary Examiner Art Unit 1648

dcw

May 13, 2003